REMARKS

The Examiner has rejected claims 1 – 3, 12, 57 – 60, and 65 – 67 under 35 U.S.C. 102(b) as anticipated by Yi (U.S. 2002/0001314). The Examiner has rejected claims 4 – 8, 17 – 19, 28 – 36, 44 – 46, 61 – 64, and 68 under 35 U.S.C. 103(a) as unpatentable over Yi in view of Rosengard (U.S. 2005/0063402). The Examiner has rejected claims 9 – 11, 49 – 56, and 68 under 35 U.S.C. 103(a) as unpatentable over Yi in view of Rakib (U.S. 2002/0015423). The Examiner has rejected claims 14 – 16 under 35 U.S.C. 103(a) as unpatentable over Yi and Rosengard in view of Gibson (U.S. 6,445,717). The Examiner has rejected claims 20 – 27 under 35 U.S.C. 103(a) as unpatentable over Yi and Rosengard in view of Del Prado Pavon (U.S. 2004/0047351). The Examiner has rejected claim 37 under 35 U.S.C. 103(a) as unpatentable over Yi and Rosengard in view of Jiang (U.S. 6,765,885). The Examiner has rejected claims 38 – 40 under 35 U.S.C. 103(a) as unpatentable over Yi and Jiang in view of Henson (U.S. 2002/0131591). The Examiner has rejected claims 13, 41 – 43, and 47 – 48 under 35 U.S.C. 103(a) as unpatentable over Yi and Rosengard in view of Rakib.

Independent claim 1

Yi does not disclose at least "dividing the encapsulated content into a plurality of pieces … at least some of the low level data units each containing a plurality of the pieces," as recited by independent claim 1.

The Examiner identified in the previous Office Action (mailed February 22, 2006), and in the present Office Action, the description in Yi of "a method of generating PDUs in a radio link control layer [that] includes producing a payload unit by segmenting and/or concatenating one or more service data units received from a higher layer, generating a first PDU which includes a sequence number corresponding to the payload unit and a second PDU which includes the payload unit, and transmitting the first and second PDUs to a lower layer" (paragraph [0014]) as disclosing the recited "dividing the encapsulated content into a plurality of pieces."

In the present Office Action, the Examiner goes on to say that "Per [0015], the PDU units contains a payload unit and a MAC header and reads on the claim limitations 'at least some of

the low level data units each containing a plurality of pieces' since each PDU contains multiple pieces, in this case the payload unit and MAC header."

However, claim 1 requires not just that at least some of the low level data units each contain "a plurality of pieces," but that at least some of the low level data units each contain a plurality of the pieces into which the encapsulated content was divided. Since only the payload unit and not the MAC header corresponds to a piece produced "by segmenting and/or concatenating one or more service data units received from a higher layer," the MAC header does not correspond to one of the claimed pieces. Thus, the PDU units do not correspond to low level data units each containing a plurality of the pieces.

Applicant respectfully points out that a proper anticipation rejection "requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim." *Connell v. Sears, Roebuck & Co.*, 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983). Thus, it is improper to base an anticipation rejection on the subject matter identified by the Examiner since it does not disclose all claimed elements arranged as in the claim.

Applicant submits that the Examiner has not provided a valid factual basis for asserting that Yi explicitly or inherently discloses all claim limitations arranged as in the claim, and thus has failed to establish a *prima facie* 35 U.S.C. 102(b) rejection of claim 1.

Independent claim 49

Yi does not teach or suggest at least "dividing the encapsulated content into a plurality of pieces, with at least some of the low level data units each containing a plurality of the pieces," as recited by independent claim 49. Furthermore, no valid combination of Yi and Rakib suggests what is lacking in Yi or provides any motivation to modify the teachings of Yi so that at least some of the low level data units each contain a plurality of the pieces into which the encapsulated content was divided.

According to MPEP § 2141:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must

be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Thus, the Examiner has not properly established a *prima facie* 35 USC 103(a) rejection of claim 49.

Independent claim 57

Yi does not disclose at least "dividing the encapsulated content into a plurality of sub-blocks, forming a plurality of pieces, with each piece including one or more sub-blocks, ... and supplying low level data units, at least some of the low level data units each containing a plurality of the pieces," as recited by independent claim 57.

The Examiner identifies the same portions of Yi cited in the rejection of claim 1 as allegedly disclosing the subject matter of claim 57. For similar reasons as discussed above with respect to claim 1, the PDU units do not correspond to low level data units that each contain a plurality of the pieces that include sub-blocks into which the encapsulated content was divided. Thus, it is improper to base an anticipation rejection on the subject matter identified by the Examiner since it does not disclose all claimed elements arranged as in the claim.

Applicant submits that the Examiner has not provided a valid factual basis for asserting that Yi explicitly or inherently discloses all claim limitations arranged as in the claim, and thus has failed to establish a *prima facie* 35 U.S.C. 102(b) rejection of claim 57.

Dependent claims

The remaining claims are all properly dependent on one of the independent claims, and are thus allowable therewith. Each of these dependent claims adds one or more further limitations, but those limitations are not presently relied upon to establish patentability. For that reason, and not because Applicant agrees with the Examiner, no rebuttal is offered to the Examiner's reasons for rejecting these dependent claims.

Applicant submits that the rejections of record are clearly not proper in view of the clear deficiency of not properly establishing a *prima facie* rejection of the claims.

Please apply any charges or credits to deposit account 06-1050, referencing Attorney's Docket No. 04838-077001.

Respectfully submitted,

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